

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ERIE ENGINEERED PRODUCTS, INC.,

MEMORANDUM AND ORDER

Plaintiff,

CV 03-3776

-against-

(Wexler, J.)

WAYNE INTEGRATED TECHNOLOGIES, CORP.,

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

Defendant.
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APPEARANCES:

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WEXLER, District Judge

This is a patent infringement action commenced by Plaintiff Erie Engineered Products, Inc. ("Erie" or "Plaintiff") against Wayne Integrated Technologies Corp. ("Wayne" or "Defendant"). In an order dated July 29, 2005, this court denied Wayne's motion for partial

summary judgment dismissing the complaint insofar as Plaintiff seeks redress for sales of allegedly infringing products made to the United States government (the "Government"). The motion was made pursuant to 28 U.S.C. §1498(a), which requires that certain patent infringement lawsuits be pursued only against the Government in the United States Court of Federal Claims.

In an order dated August 31, 2005, this court denied a motion for reconsideration. It appears that the August 31 order was issued, however, before all papers were properly before the court. Now that the court has received and reviewed all those papers (including a submission filed on September 12, 2005), this court adheres to the ruling of August 31, 2005 and the denial of the motion for reconsideration.

The Clerk of the Court is directed, once again, to terminate any outstanding motion to reconsider.

SO ORDERED


LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York
September 13, 2005